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SUBJECT: HUMAN RIGHTS: MFA OFFICIAL TOUTS JUDICIAL PROCESS
IN CHEN GUANGCHENG CASE

REF: BEIJING 24232

Classified By: Political Internal Unit Chief Susan Thornton.
Reasons 1.4 (b) and (d).

Summary

¶1. (C) MFA Human Rights official Xu Jing touted the Chinese Government's handling of Chen Guangcheng's retrial (reftel) during a December 8 meeting, claiming that "it shows China is governed by the rule of law." Xu told poloff she would inquire about the Chinese Government's investigation into the September 30 Tibetan border shooting incident and would report the United States Government's concern about the cases of Gao Zhisheng, Ching Cheong, Yang Jianli, Jude Shao, Xu Yonghai, Rebiya Kadeer's sons, Wan Yanhai, Wang Bingzhang and Chen Tao cases. End summary.

Chen Guangcheng Case

¶2. (C) MFA IO Human Rights officer Xu Jing told poloff during a December 8 meeting said that the sequence of events in Chen Guangcheng's case (see reftel) "demonstrates conclusively" that China is governed by the rule of law. After the Yinan County lower court convicted Chen the first time, the Linyi City intermediate court found "possible" prejudicial error and sent the case back to the Yinan County court for retrial.

Xu Jing said the Yinan County lower court "retried the case publicly," providing "adequate protection not only for Chen but also for the lawyers who defended him." Having used "proper" and "transparent" procedures to again find Chen guilty, the Yinan County lower court "announced in public" the same four year and three month sentence as that originally imposed. Poloff objected to Xu's characterization, noting that local officials had used various means to prevent Chen's lawyers from mounting an effective defense.

Responses On Cases Of Concern

¶3. (C) Poloff asked about the results of the Chinese Government's investigation into the September 30 incident involving the shooting of Tibetans crossing into Nepal, noting that MFA officials had indicated that the Government would disclose the results of its investigation into this incident. Xu acknowledged that an investigation is pending and said that she would inquire about its status.

¶4. (C) Poloff also raised the cases of Gao Zhisheng, Ching Cheong, Yang Jianli, Jude Shao, Xu Yonghai, Rebiya Kadeer's sons, Wan Yanhai, Wang Bingzhang and Chen Tao. (Note: Chen Tao was convicted and sentenced to death in May 2005 for his

role in the death of a police officer during a protest against construction of the Pubugou Dam in Sichuan Province. He was reportedly executed before his lawyer and family were informed of the results of the appeal in the case. End note.) Xu Jing said she will report the United States Government's concern and provide information about individual cases where possible.

15. (C) Asked about a response to A/S Lowenkron,s letter to AFM Cui Tiankai proposing discussions on human rights issues of concern, Xu said she is aware of the letter, but that the MFA does not yet have a response.

Discussion of Cases

16. (C) Poloff pressed Xu to agree to establish regular meetings for discussion of human rights issues at the working level. Xu demurred, stating that while she and her colleagues stand ready to discuss cases of concern and other human rights issues "at any time," setting a "regular meeting" amid the office's heavy workload would require "additional justifications" to high-level officials. She asserted that in the current Chinese "domestic political climate," establishing a regular interval for meetings would be very difficult.
Randt